

**FREEHOLD BOROUGH
POLICE DEPARTMENT
GENERAL ORDER**



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SUBJECT: Officer Substance Abuse Policy

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**BY THE ORDER OF:
Chief Glenn A. Roberts**

SUPERSEDES ORDER #:

I PURPOSE

The purpose of this policy is to recognize that the problem of substance abuse, and the profound effects it has on our society. In order to provide for a safer work environment, the Freehold Boro Police Department has established this substance abuse policy.

This policy compliments G.O. 2-16 Early Warning System/Monitoring and Rules and Regulations 3:6.1 Alcoholic Beverages and drugs, which establishes guidelines to assist with the early identification of potential problem members/employees and to reference other departmental policies and procedures that must also be utilized to effectively carry out this process

Urine and breath samples shall be ordered from a law enforcement officer when there exists facts that provide a reasonable objective basis to suspect the officer is illegally using drugs or alcohol, or when conducting a random drug and alcohol testing program. Urine samples ordered based on a reasonable objective basis shall not be ordered from an officer without the approval of the county prosecutor or the chief executive officer of this agency or someone acting in the capacity during his/her absence.

Note: Nothing in this policy is to be interpreted as constituting a waiver of management's responsibility to maintain discipline or the right to take disciplinary action against the employee.

II POLICY

It is the policy of the Freehold Boro Police Department to have a drug/alcohol free work environment for the personnel of this agency and for the people it serves. The law enforcement profession has several uniquely compelling interests that justify the use of employee drug and alcohol testing. The public has a right to expect that those who are sworn to protect them are at all times both physically and mentally prepared to assume these duties.

There is sufficient evidence to conclude that the use of controlled substances and other forms of drug and alcohol abuse will seriously impair an employee's physical and mental health, and thus, their job performance.

Therefore, in order to ensure the integrity of the Freehold Boro Police Department, and to preserve public trust and confidence in a fit and drug and alcohol free law enforcement profession, this department shall implement a Substance Abuse Policy to detect prohibited drug and alcohol use by sworn law enforcement officers.

III DEFINITIONS

- A. **Alcohol:** The intoxicating agent in beverage alcohol, ethyl alcohol or other molecular weight alcohols including methyl or isopropyl alcohol.
- B. **Alcohol concentration:** The alcohol in a volume breath in terms of gram alcohol per 210 liters of breath as indicated by a breath test, or the alcohol measured by grams of alcohol per 100 milliliters of blood
- C. **Alcohol use:** The consumption of any beverage, mixture or preparation including medications, containing alcohol.
- D. **Anabolic Steroids:** Anabolic Steroids are a class of natural and synthetic steroid hormones that promote cell growth and division, resulting in growth of muscle tissue and sometimes bone size and strength.
- E. **Applicant:** Any person who is applying and/or interviewing to be a member of the Police Department.
- F. **Cancelled test:** A drug test that has been declared invalid by the Medical review officer (MRO). The subject is neither a verified positive nor negative test, and includes a specimen rejected for testing by a laboratory.
- G. **Chain of Command:** The unbroken line of authority extending from the Chief of Police through a single subordinate at each level of command down to the level of execution. The chain of command shall also be carried in reverse.
- H. **Confirmation test:** A second analytical procedure to identify the presence of a specific drug or metabolite that is independent of the screening test and that uses a different technique and chemical principle from that of the screening test to ensure reliability and accuracy. In alcohol testing, a second test, following a screening test with a result of 0.02 or greater, which provides quantitative data of alcohol concentration.
- I. **Controlled substances:** The terms "drugs" and "controlled substances" shall include all derivatives of the following classes of drugs. Marijuana, Cocaine, Opiates (Heroin, etc), Phencyclidine (PCP), Amphetamines, Barbituates, Benzodiazepine, Propoxyphene, Methadone and Methaquadone and controlled substance analogs that produce similar effects.
- J. **Criminal Drug Statute:** A federal or state statute involving the manufacture, distribution, dispensing, use or possession of any controlled substance.
- K. **Drug:** Any substance (other than alcohol) that has known mind or function altering effects on a human subject, specifically including any psychoactive substance and including, but not limited to, controlled substance and controlled substance analogs that produce similar effects.
- L. **EAP/Employee Assistance Program:** a program designed to provide a means to ensure that all sworn and non sworn members of the department have access to a

mechanism that will administer to the employee's mental wellness and furnish a rehabilitation program needed to maintain a stable, healthy and productive work environment.

- M. Medical Review Officer:** The designated doctor or contract physician(s) appointed by the chief executive officer or his / her designee with appropriate medical training and knowledge of substance abuse conditions, authorized to receive, review and report laboratory drug test results.
- N. Member:** Any sworn employee of the police department to include SLEO 1 and SLEO 2
- O. Monitor / Specimen collector:** The chief executive officer or his / her designee shall designate a member of his / her staff to serve as monitor of the specimen acquisition process. The monitor shall always be of the same sex as the individual being tested. In the event there is no member of the same sex available from the agency collecting the specimens, the agency may request that a member of the same sex from another law enforcement agency serve as monitor of the process.
- P. Possess:** To have on one's person or in one's personal effects or under one's control.
- Q. Prohibited drug:** Prohibited drugs shall include but not be limited to the following; Marijuana, Cocaine, Opiates, Phencyclidine, Amphetamines, Barbituates, Benzodiazepine, Propoxyphene, Methadone and Methaquadone. Any substance (other than alcohol) that has known mind or function altering effects on a human subject, specifically including any psychoactive substance and including, but not limited to, controlled substance and controlled substance analogs that produce similar effects.
- R. Random Selection:** A method of selection in which each and every sworn employee of this law enforcement agency, regardless of rank or assignment, has an equal chance to be selected for drug and alcohol testing each and every time a selection is conducted.
- S. Random Test:** A drug and alcohol test administered to a predetermined percentage of employees who are performing a safety-sensitive function and who are selected periodically on a scientifically defensible random and unannounced basis.
- T. Reasonable Suspicion:** That quantity of proof or evidence that is more than a hunch, but less than probable cause. Reasonable suspicion must be based on specific, objective facts and any rationally derived inferences from those facts about the conduct of an individual that would lead the reasonable person to suspect that the individual is or has been using drugs and/or alcohol while on or off-duty.
- U. Refusal to submit to a test:** Failure to provide adequate breath or alcohol testing or a urine specimen for drug testing as required, without valid medical explanation after an applicant, trainee, employee or member has received notice of the requirement to be tested in accordance with the provisions of this policy or engaging in conduct that clearly obstructs the testing process.
- V. Sworn Employee:** Those employees who have been formally vested with full law enforcement powers and authority. A sworn employee in this order shall also include the terms Officer, Employee, Member and Individual.
- W. Trainee:** A newly appointed police officer attending initial training at an approved academy by the police training commission.
- X. Verified Negative Drug Test Result:** A drug test result reviewed by a medical

- review officer and determined not to be evidence of use of a prohibited drug.
- Y. Verified Positive Drug Test result:** A drug test reviewed by a medical review officer and determined to be evidence of use of a prohibited drug.

IV PROCEDURE

A. Types of Drug Testing

For purposes of this policy the types of drug testing conducted by this agency is as follows:

1. Pre-Placement Testing. All applicants to the Freehold Boro Police Department shall be subject to pre-employment testing. In addition any promotion or lateral transfer to a different assignment may be subjected to pre-placement testing.
2. Random Selection Testing. All members shall be subject to random, unannounced drug screening.
3. Reasonable Suspicion Testing. Based on specific, contemporaneous, articulable observations concerning a member's appearance, behavior, speech, odor or indications of use or withdrawal from a prohibited substance and or alcohol, drug screening may be required.
4. Fitness for Duty Testing: Urine specimens may be collected from members during a regularly scheduled and announced medical examination or a fitness for duty examination based on pre-placement testing and or reasonable suspicion testing.
5. Post accident Testing. Any member who is involved in an on duty accident resulting in loss of life or causes any of the involved persons or themselves to seek immediate medical treatment shall be required to undergo a drug and or alcohol screening based on specific, contemporaneous, articulable observations concerning a member's appearance, behavior, speech, odor or indications of use or withdrawal from a prohibited substance and or alcohol.
 - a. Post accident testing shall be conducted in accordance with the Reasonable Suspicion Testing, located in section IV E of this policy.

B. Drug Testing

1. The Freehold Boro Police Department considers cooperation with drug and alcohol screening of its applicants and members to be a necessary condition of continued employment with this department.
2. Employees of the department shall not take any medication which may diminish their alertness or impair their senses prior to or after reporting for duty unless directed by a physician.
3. When employees are required to take any prescription medication or any non-prescription medication which may diminish their alertness or impair their senses, the employee shall notify their supervisor as to the medication required, its properties, the dosage and the period during which the employee is required to take the medication. This notification shall be by the prescribing physician. If the medication is a non- prescription drug the employee shall make this notification. The required notification shall be made prior to the employee reporting for duty. This information so provided shall be confidential. Certain prescriptive drugs may alter an

- officer's physical and/or mental ability which may render the officer unfit for duty.
4. Reporting to work for the performance of department business or otherwise being on Freehold Boro property or being under the influence of drugs or alcohol while on duty is prohibited except under the following conditions:
 - a. Approved bona fide police training conducted by a municipal, county, state or federal law enforcement agency.
 - b. Special investigations conducted by plain clothes or under cover officers with prior approval of the Chief Executive Officer and or his/her designee.
 - (1) Any assignments of this nature shall require prior written authorization from the Chief Executive Officer and or his/her designee and shall be strictly limited to the use of alcoholic beverages.
 5. The Freehold Boro Police Department requires as a condition of employment that all employees shall provide a negative result and that a positive result will result in:
 - a) the employees termination from employment; b) inclusion of the officer's name in the central drug registry maintained by the Division of State Police; and c) the officer being permanently barred from future law enforcement employment in New Jersey.
 6. When an applicant tests positive for illegal drug use:
 - c. The applicant shall be immediately removed from consideration for employment by the agency;
 - d. The applicant shall be reported to the Central Drug Registry maintained by the Division of State Police by the law enforcement agency to which the individual applied; the applicant shall be precluded from consideration for future law enforcement employment by any law enforcement agency in New Jersey for a period of two years.
 - e. Where the applicant is currently employed by another agency as a sworn law enforcement officer, the officer's current employer shall be notified of the positive test result. Under these circumstances, the officer's current employer is required to dismiss the officer from employment and also report his or her name to the Central Drug Registry maintained by the Division of State Police.
 7. When a sworn law enforcement officer or trainee tests positive for illegal drug use:
 - f. The officer and or trainee shall be immediately suspended from all duties;
 - g. The officer and or trainee shall be terminated from employment as a law enforcement officer, upon final disciplinary action;
 - h. The officer and or trainee shall be reported by his or her employer to Central Drug Registry maintained by the Division of State Police; and
 - i. The officer and or trainee shall be permanently barred from future law enforcement employment in New Jersey.
 8. Consequences of a refusal to submit to a drug test:
 - j. Applicants who refuse to submit to a drug test during the pre-employment process shall be immediately removed from consideration for law enforcement employment and barred from consideration for future law enforcement employment for period of two years from the date of the refusal. In addition, the appointing authority shall forward the applicant's name to the Central Drug Registry and note that the individual refused to submit to a drug test.
 - k. Trainees who refuse to submit to a drug test during basic training shall be immediately removed from the academy and immediately suspended from employment. Upon a finding that the trainee did in fact refuse to submit a

sample, the trainee shall be terminated from law enforcement employment and permanently barred from future law enforcement employment in New Jersey. In addition, the appointing authority shall forward the trainee's name to the Central Drug Registry and note that the individual refused to submit to a drug test.

- l. Sworn law enforcement officers who refuse to submit to a drug test ordered in response to reasonable suspicion or random selection shall be immediately suspended from employment. Upon a finding that the officer did in fact refuse to submit a sample, the officer shall be terminated from law enforcement employment and permanently barred from future law enforcement employment in New Jersey. In addition, the appointing authority shall forward the officer's name to the Central Drug Registry and note that the individual refused to submit to a drug test.
 - m. A sworn law enforcement officer who tests positive for illegal drug use or refuses to submit to a drug test, and who resigns or retires in lieu of disciplinary action or prior to the completion of final disciplinary action, shall be reported by his or her employer to Central Drug Registry and shall be permanently barred from future law enforcement employment in New Jersey.
9. The Chief of Police or his/her designee may conduct searches without further notice and without reasonable suspicion for illegal drugs and or alcohol on Freehold Boro property and or locations where property owned and or issued by Freehold Boro is stored and or located. All searches shall be conducted in accordance with all existing State and Federal laws.

Property subject to searches and or places to be searched may include the following but shall not be limited to:

- n. Any and all storage locations such as:
 - (1) All vehicles owned by Freehold Boro regardless of location including any and all containers and or compartments located therein.
 - (2) Lockers located on Freehold Boro property.
 - (3) Offices owned, maintained or occupied by Freehold Boro employees.
 - (4) Desks owned, maintained by Freehold Boro.
 - (5) Safes owned, maintained by Freehold Boro.
 - (6) Garbage and garbage receptacles
 - (7) Refrigerators
 - (8) Uniforms issued and or worn by Freehold Boro employees.
10. The provisions of this policy shall be subject to any limitations or requirements imposed by federal or state law. If any section of this policy is invalidated for being contrary to any law, precedent or regulation, the remaining sections shall remain in full force and effect.

C. Pre-employment police academy drug screening

Given the Department's concern for drug or alcohol use interfering with the safety of the workforce and the public with whom this agency has contact, all offers of employment with this agency shall be conditioned on the applicant's ability to pass a drug/alcohol screening given at the police academy.

1. Failure to pass a drug/alcohol screen will result in the withdrawal of a conditional

offer of employment. When a sworn officer is withdrawn for this reason, the applicant will be barred from applying for any other law enforcement position for a period not less than two years. Results of previous failed drug screening may be considered in subsequent job applications. Applicants that are denied full employment status may request copies of the test results from the police academy.

2. All applicants shall be notified of the Freehold Boro Substance Abuse Policy (This Standard Operating Procedure), and the mandatory drug screening within the police academy at the time they complete their job application.
3. In the event a drug screen is determined to be invalid or unreliable by the laboratory, but NOT due to misconduct, the applicant will be immediately notified of this fact and required to submit to a new test. If a sample is determined to be unreliable due to misconduct of the applicant, the individual will be regarded as having violated this policy and subject to non-hiring or any other appropriate discipline. Testing misconduct includes, but is not limited to diluting the specimen, substituting samples or attempting to adulterate the specimen.

D. Random Testing

Members shall be subject to unannounced, random drug testing. The testing may take place in house, or while attending any authorized law enforcement training facility.

Establish a system by which the selection process can be verified and documented.

Permit a representative of the collective bargaining unit(s) to witness the selection process.

Provide that any member of the agency who discloses the identity of an officer selected for random testing or the fact that a random selection is scheduled to take place prior to the collection of urine specimens shall be subject to discipline.

1. The names of all members shall be placed in a pool from which a random selection will be made. Each time random sampling is initiated, the Chief of Police and or his designee except for a member of the internal affairs unit will conduct the random sampling.
 - a. The random generations shall occur two (2) times during a calendar year (approximately once per calendar quarter). 3 Sworn officers each generation will be selected for the sample. The total will be 6 officers selected for the calendar year. This equates to approximately 20% of the overall manpower for this department each year.
2. Random selection verification:
 - a. Lottery / Bingo style balls of similar size and weight will be numbered starting with 1 and progressively ending with the total amount of sworn officers.
 - b. A corresponding sworn officer master name list will be kept assigning a sworn officer to a corresponding ball number.
 - c. A member from each collective bargaining union if applicable and the monitor selected by the Chief of Police will verify the number of balls used and the corresponding list of sworn officers.
 - d. Once verification has been made the union representatives and the monitor will sign the sworn officer master name list page.

3. Random selection drawing:
 - a. The monitor appointed by the Chief of Police will adhere to the following procedure for ball selection.
 - b. To ensure that the balls are drawn in a random order the ball cage will be spun ten (10) times in each direction before any balls are drawn.
 - c. The ball cage will be spun three (3) times exactly stopping at the bottom
 - d. The monitor will draw the ball from the collection section of the ball cage.
 - e. The monitor will record the ball number selected on the random selection testing page.
 - f. The monitor will repeat this process until all of the balls have been selected.
 - g. The ball number drawn by the monitor will be checked against the sworn officer master name list. The corresponding name will represent the sworn officer selected for random testing.
 - h. An individual will be advised that they are selected for random drug testing only when they are on duty. If the member is selected on a day or shift when he/she is not working, that member will be advised upon their return to work. Once an individual is notified of selection for testing he/she must immediately report to the collection facility. The random testing frequency level shall be in conformance with the standards established by the office of the Chief of Police.
 - i. A member who produces a positive drug/alcohol test in violation of this policy or who refuses to submit to testing under this policy shall be dismissed from this agency.
 - j. The identity of any sworn member who has produced a positive drug test shall be reported to the Central Registry maintained by the Division of State Police.
4. Members shall report evidence of suspected drug use by other members to their immediate supervisor or the internal affairs officer.
5. Members shall report evidence of suspected alcohol abuse by other members to their immediate supervisor or the internal affairs officer.

E. Reasonable Suspicion Testing

Members shall be required to submit to drug and or alcohol screening based on a reasonable suspicion that they have violated the provisions of this policy.

“Reasonable Suspicion” must be based on specific, contemporaneous, articulable observations concerning an individual’s appearance, behavior, speech, odor, or indications of use or withdrawal from substances prohibited by this policy. This will include and not be limited to testing for Anabolic Steroids and alike.

1. Before an officer may be ordered to submit to a drug test based on reasonable suspicion, the agency shall prepare a written report which documents the basis for the reasonable suspicion. The report shall be reviewed by the county prosecutor or the chief executive officer of the law enforcement agency before a reasonable suspicion test may be ordered. Under emergent circumstances, approval may be given for a reasonable suspicion test on the basis of a verbal report.
2. Whenever practical, two supervisors should confer and agree that reasonable suspicion exists prior to requesting that an individual submit to testing. However, when only one supervisor is available, that supervisor should attempt to contact the Chief of Police or one of the division commanders and the internal affairs officer.
 - a. When acting on reasonable suspicion that an individual may be in violation of

this policy, a supervisor shall make all attempts to respect the individual's privacy.

- b. Questioning should be done in a private setting.
 - c. Supervisors are to limit their conversations regarding possible violations of this policy to those persons who are participating in questioning, evaluation, investigation, or disciplinary action on a need to know basis. Supervisors are to instruct other individuals, except as noted above, not to talk about possible violations.
3. **In all instances, the supervisor shall make a written record of the observations leading to reasonable suspicion testing on an "observed behavior"**. Such record shall be signed by the supervisor who made such observations immediately concerning the observed behavior. Whenever practical, a copy of the written record will accompany the individual to the testing facility. Reasonable suspicion testing should not be based solely on third person observations or reports, unless the supervisor(s) can verify and indicate further such observations to be reliable.
 4. **Prior to ordering "Reasonable Suspicion" drug and alcohol screens the Chief of Police must be notified and approve of the testing of the individual in writing on an order to submit.**
 5. Any individual submitting to drug and alcohol screening under reasonable suspicion circumstances will be immediately to follow IV, F, 1 of this policy or be escorted to a designated testing facility.
 6. After a sample is provided, the individual will not be permitted to:
 - a. Operate any Township Equipment
 - b. The Officer in Charge of the shift or a designee appointed by the Chief of Police will take possession of the officer's department issued weapon(s).
 - c. If necessary, the individual will wait in a designated area until arrangements are made for transportation to his/her home.
 - d. Attempts to contact the individual's spouse or family member will be made to transport the individual home.
 - e. If the individual rejects these alternatives, the Police Department will take appropriate measures to prohibit the individual from operating his/her vehicle.
 7. Individuals tested under reasonable suspicion circumstances shall be placed on administrative duty with pay pending the test results. If the test results are negative, the individual may be evaluated for fitness for duty prior to being reinstated to full Duty. If the results are positive, the individual will be subjected to the implementation of disciplinary proceedings.
 8. Non-compliance with an order to submit to reasonable suspicion testing, to disclose and explain the nature of any suspected substance, to leave the work area or township facilities, or any other reasonable request shall be viewed as insubordination and the individual will be subject to discipline up to and including dismissal.

F. Specimen Collection and Testing Procedures

Members will be required to sign appropriate forms prior to testing. The forms include, but are not limited to,

- Drug Testing Medical Information page; attachment A.
- Drug Testing Applicant notice; attachment B
- Drug Testing Trainee notice; attachment C

The Freehold Boro Police Department shall designate a member of its staff to serve as monitor of the specimen acquisition process. The monitor shall always be of the same sex as the individual being tested. In the event there is no member of the same sex available from the agency collecting the specimens, the agency may request that a member of the same sex from another law enforcement agency serve as monitor of the process.

The monitor of the specimen acquisition process shall be responsible for:

- Ensuring that all documentation is fully and accurately completed by the individual submitting the specimen.
- Collecting specimens in a manner that provides for individual privacy while ensuring the integrity of the specimen.
- Complying with chain of custody procedures established for the collection of urine specimens and their subsequent submission to the New Jersey State Toxicology Laboratory within the Division of Criminal Justice for analysis.
- The analysis of each specimen shall be done in accordance procedures adopted by the State Toxicology Laboratory. These procedures shall include but not be limited to security of the test specimens, chain of custody, metabolite cut-off levels and the issuance of test reports.

In order to safeguard the integrity of the specimen's chain of custody the following collection procedures shall be utilized.

1. Prior to the submission of a urine specimen, sworn members shall complete a medical questionnaire (Attachment A) which clearly describes all medications, both prescription and over-the-counter (non-prescription), that were ingested in the past 14 days.
2. Throughout the test process, the identity of individual applicants and sworn and non sworn members shall remain confidential. Individual specimens shall be identified throughout the process by the use of social security numbers. At no time shall an individual's name appear on any form or specimen container sent to the State Toxicology Laboratory. Prior to the testing the individual will be given a copy of the specimen collection procedures by the specimen collector
3. Specimens will be collected utilizing equipment and supplies approved by the State Toxicology Laboratory.
4. The donor will be required to take off all jackets, bags, pocketbooks, etc., (anything that could contain a concealed specimen), and wash their hands prior to providing the specimen.
5. The donor will be escorted to an area for providing the specimen that respects the donor's privacy while complying with this policy. The enclosure shall provide a toilet. In order to minimize embarrassment of the donor and to prevent distraction of the collection site personnel access to the enclosure during the entire collection process will be prohibited. Only the specimen collector and the donor shall be present.
6. After the monitor has inspected the appropriate forms for accuracy, the applicant, trainee or sworn officer shall void into the specimen collection container. After a specimen has been produced, the individual shall seal the specimen container and deliver it to the monitor.

7. Individual members will void without the direct observation of the monitor unless there is reason to believe that the individual will adulterate the specimen or otherwise compromise the integrity of the test process. Under these circumstances, the production of a specimen may be directly observed by the monitor. The monitor must document the facts underlying their belief that a member may adulterate a specimen or compromise the integrity of the test process.
8. To avoid the risk of adulterated or diluted specimens, water and cleaning agents are prohibited in the enclosure. Similarly, a bluing or dyeing agent will be placed in the toilet. Only one test is to be performed at a time. Testing of another donor will not begin (including filling out of necessary forms) until the testing process of the current donor is completed and the specimen is secured.
9. Once the monitor is satisfied that the required documentation is accurate and he or she has inspected the specimen container to determine that a specimen has been produced, the monitor shall take possession of the specimen and ensure that it is delivered to the State Toxicology Laboratory for analysis.
10. The New Jersey State Toxicology Laboratory within the Division of Criminal Justice will constitute the sole facility for the analysis of law enforcement drug tests.
11. The urine samples shall be delivered to the New Jersey State Toxicology Laboratory within the Department of Criminal Justice within the next 3 business days by a member of the law enforcement agency or someone approved by the Chief of Police.
12. Collection site personnel will verify that an adequate amount of urine was provided. If the specimen temperature does not fall within a range of 90° F to 100° F then the collection site personnel, within 4 minutes, may request that the donor have their oral temperature taken. If the donor's body temperature varies by more than 1.8° F, from the specimen temperature, the collection site personnel shall request a second specimen for testing. If the donor refuses, to have their temperature taken, this shall be grounds to consider the specimen as having been tampered.
13. If the collection site personnel note any unusual color or sign of contaminants in the specimen, a second specimen shall be requested. In all instances where a second specimen is requested, the original (suspect) specimen shall be forwarded to the laboratory for testing.
14. The employee / member shall have the option to provide the monitor with a second urine specimen at the same time the first specimen is collected. The second specimen shall be collected in the same fashion as the first specimen. The monitor shall take possession of the second specimen and place it in a secured refrigerated storage area. The Freehold Boro Police Department shall maintain possession of the second specimen for a period of 60 days or until the agency receives notification from the State Toxicology Laboratory that the first specimen tested negative for the presence of controlled substances.
15. The second specimen shall be released by the Freehold Boro Police Department under the following circumstances:
 - a. The law enforcement agency is notified by the State Toxicology Laboratory that the first specimen tested positive for a controlled substance; and
 - b. The law enforcement agency is informed by the individual whose specimen tested positive that the individual wishes to have the specimen independently tested; and
 - c. The member employee must designate a laboratory that is licensed as a clinical

- laboratory by the New Jersey Department of Health under the New Jersey Clinical Laboratory Improvement Act to conduct the independent test; and
- d. A representative of the licensed clinical laboratory designated by the individual takes possession of the second specimen in accordance with accepted chain of custody procedures within 60 days of the date the specimen was produced.
16. Individuals that initially are unable to produce a urine specimen may remain under the supervision of the test monitor until the monitor is satisfied that the individual cannot produce a specimen. While the individual is under supervision, the monitor may allow the individual to drink fluids in an attempt to induce the production of a specimen. If the individual remains unable to provide a specimen after a reasonable period of time, the monitor may have the individual examined by a doctor to determine whether the inability to produce a specimen was the result of a medical or physical infirmity or constituted a refusal to cooperate with the drug testing process.
 17. Laboratory and medical personnel are responsible for completing the appropriate chain of custody documentation, ensuring that proper procedures are followed to protect the integrity of the samples and the reliability of the test results. The appropriate chain of custody and control form should be filled out by the collection site personnel and then signed by the donor. The specimen is to be kept in the sight of both the donor and the collection site personnel from the time it is delivered to the time it is being labeled. The chain of custody forms must be signed by both the collection site personnel and the donor.
 18. If the specimen container is received at that laboratory in an undamaged condition, properly sealed, labeled, and initialed as certified by the laboratory, the medical review officer and the police department will be privileged to rely on the analysis of the specimens so received.
 19. In reasonable suspicion circumstances, a copy of the supervisors report will be forwarded to the medical review officer.
 20. The police department expects all of its applicants and members to exercise good faith when undergoing the screen and ensure that proper test procedures are adhered to. This will guarantee that the final results are accurate. Failure or refusal to observe these good faith requirements may subject the individual to immediate discipline, up to and including dismissal.
 21. In the event that a urine sample is determined to be invalid or unreliable by the collection site personnel, the laboratory analyzing the sample due to circumstances unrelated to the conduct of the donor, the applicant employee or member will be immediately notified of the circumstances requiring a new test. If the urine sample is determined to be invalid or unreliable due to circumstances related to the conduct of the individual, they will be subject to discipline, up to and including dismissal.
 22. The analysis of each specimen shall be done in accordance procedures adopted by the State Toxicology Laboratory. These procedures shall include but not be limited to security of the test specimens, chain of custody, metabolite cut-off levels and the issuance of test reports.
 23. The State Toxicology Laboratory shall analyze each specimen for the following substances and their metabolites:
 - a. amphetamine/methamphetamine;

- b. barbiturates;
 - c. benzodiazepine;
 - d. cannabinoids;
 - e. cocaine;
 - f. methadone;
 - g. phencyclidine; and
 - h. Opiates.
24. Testing will be limited to the presence of drugs and their metabolites. Under no circumstances will the sample be tested for any other purpose. The police department reserves the right to expand the classes of drugs and metabolites tested or to modify the initial and confirmation testing thresholds.
25. Any time specimens are deemed to be “positive” by the laboratory and Medical Review Officer the specimen will be retained.
26. Positive test results will be revealed to the individual only after they have been verified by the Chief of Police or his/her designee. These results are confidential medical information and must not be revealed or disclosed with anyone in the police department except on an absolute need-to-know basis, and then only after the result has been confirmed. All individuals notified of confirmed positive test results will have 3 business days, from the time of notification, to request that the second specimen be tested if given at the time of the original sample.
- a. Reference section IV F 13 of this policy.
27. Applicants or members taking a drug prescribed by a licensed physician must present the drug in its original container which identifies the drug, dosage, date of prescription, and authorizing physician. It is the responsibility of the individual to review with their physician any work restriction(s) that should be observed while on the medication. In cases when use of medication requires work restriction(s), it is the responsibility of the individual to report such restriction(s) to his/her supervisor. Failure to properly notify a supervisor of such work restriction(s) shall be a violation of this policy which may subject the individual to discipline up to and including dismissal.
28. In the interest of safety, an individual whose use of medication necessitates work restrictions may be reassigned or placed on medical leave. Once such restriction(s) are lifted and the individual may safely resume all aspects of their assigned job functions they will be restored to their prior position.
29. If these procedures are followed, the use of prescription and non-prescription drugs in accordance with the dosage instructions shall not be cause for discipline under this policy
30. Testing for alcohol shall be done by the taking of samples of breath or blood from the individual. If breath samples are taken, the testing shall be done by a certified Alcotest operator. A positive breath sample shall be confirmed by a second breath sample in accordance with the procedures established for certified Alcotest operators.
- a. Blood samples will only be permitted as testing for the presence of alcohol to determine BAC if the member is transported to an area hospital as a result of an on duty accident and is unable to provide a breath sample.

G. Drug test results

1. The State Toxicology Laboratory shall notify the submitting law enforcement agency of test results from the specimens submitted for analysis. All reports shall be in writing and sent to the agency within 15 working days of the submission.
2. The State Toxicology Laboratory shall not report a specimen as having tested positive for a controlled substance until the specimen has undergone a confirmatory test and the medical review officer has reviewed the results of that test with the medical questionnaire pertinent to that specimen.
3. The submitting agency shall notify the applicant, trainee or sworn officer of the results of a positive test result as soon as practical after receipt of the report from the State Toxicology Laboratory. Upon request, the individual may receive a copy of the laboratory report.
4. Under no circumstances may an agency or an individual resubmit a specimen for testing or ask that a particular specimen within the possession of the State Toxicology Laboratory be retested.

H. Record Keeping

1. The Internal Affairs Unit shall maintain all records relating to the drug testing of applicants and employee members.
2. The records shall include but not be limited to:
 - a. For all drug testing:
 - (1) the identity of those ordered to submit urine samples;
 - (2) the reason for that order;
 - (3) the date the urine was collected;
 - (4) the monitor of the collection process;
 - (5) the chain of custody of the urine sample from the time it was collected until the time it was received by the State Toxicology Laboratory;
 - (6) the results of the drug testing;
 - (7) copies of notifications to the subject; and
 - (8) for any positive result or refusal, appropriate documentation of disciplinary action.
 - b. For random drug testing, records will also include the following information:
 - (1) a description of the process used to randomly select officers for drug testing;
 - (2) the date selection was made;
- (3) a copy of the document listing the identities of those selected for drug testing;
- (4) a list of those who were actually tested; and the date(s) those officers were tested.

I. Attachments to this policy will include:

1. Drug Testing Medical Information page; attachment A.
2. Drug Testing Applicant Notice; attachment B
3. Drug Testing Trainee Notice; attachment C
4. Notification to the Central Drug Registry; attachment D

ATTACHMENT A

DRUG TESTING
MEDICATION INFORMATION

As part of the drug testing process, it is essential that you inform us of all medications you have taken in the last fourteen (14) days. Please *carefully* complete the information below.

all that apply:

- A. During the past 14 days I have taken the following medication prescribed by a physician:

	Name of Medication	Prescribing Physician	Date Last Taken
1			
2			
3			

- B. During the past 14 days, I have taken the following non-prescription medications (cough medicine, cold tablets, aspirin, diet medication, nutritional supplements, etc.)

	Non-Prescription Medication	Date Last Taken
1		
2		
3		

- C. During the past 14 days, I have taken **NO** prescription or non-prescription medications.

Social Security Number & Initials

Date

Signature of Witness

Date

CE/VCEPT OBPVÁO

ÖÜWÖÁÖÜVÖÖ
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ATTACHMENT D
NOTIFICATION TO THE CENTRAL DRUG REGISTRY

Type or Print

AGENCY SUBMITTING							
AGENCY						PHONE	
ADDRESS			CITY		STATE	ZIP	
CONTACT PERSON			TITLE		PHONE		
PERSON TO BE ENTERED							
LAST NAME		FIRST NAME	INITIAL	GENDER	RACE	EYE COLOR	
DOB	SSN		SBI NUMBER (IF KNOWN)				
THIS PERSON WAS:		<input type="checkbox"/> APPLICANT		<input type="checkbox"/> TRAINEE			
		<input type="checkbox"/> SWORN OFFICER - RANDOM		<input type="checkbox"/> SWORN OFFICER - REASONABLE SUSPICION			
ADDRESS							
CITY			STATE		ZIP		
REASON FOR NOTIFICATION							
THE PERSON LISTED ABOVE		<input type="checkbox"/> TESTED POSITIVE FOR _____ (IDENTIFY SUBSTANCE)					
		OR					
		<input type="checkbox"/> REFUSED TO SUBMIT A URINE SAMPLE					
DATE OF THE DRUG TEST OR REFUSAL				DATE OF FINAL DISMISSAL OR SEPARATION FROM AGENCY			
CERTIFICATION (Must be completed by Chief or Director. Must be notarized with raised seal)							
I hereby affirm that the above information is true and correct to the best of my knowledge.							
<hr/>							
<i>Print Name</i>			<i>Title</i>			<i>Signature</i>	
Sworn and subscribed before me this _____ day of _____, _____							
(Seal)				_____			

(6/01)

Mail to: Division of State Police
 State Bureau of Identification
 Central Drug Registry
 P.O. Box 7068
 West Trenton, New Jersey 08628-0068